



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

June 30, 2003

Ref: 8ENF-T

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Goshen County Commissioners  
c/o Ross Newman, Chair  
P.O. Box 160  
Torrington, WY 82240

Re: Notice of Safe Drinking Water Act  
Enforcement Action against Maverick  
Motel Inc. PWS ID #5600416

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Maverick Motel, Torrington, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The System is in violation of 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.21(b)(5), 141.21(a), 141.201, 141.21(g)(1), 141.21(g)(2), 141.31(b) for: exceedance of the MCL for total coliform bacteria; failure to collect a set of repeat samples following a total coliform positive routine sample; failure to collect at least five routine samples following a total coliform positive sample; failure to monitor for total coliform bacteria; failure to provide public notice of the violations; failure to report total coliform bacteria MCL violations to EPA by the end of the next business day after discovering the violation; failure to report total coliform monitoring violations to EPA within 10 days of discovering the violation; and failure to report NPDWR violations to EPA within 48 hours.



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2.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Melanie Wasco at (303) 312-6540.

Sincerely,

**Melanie L. Pallman for/**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>**

**June 30, 2003**

Ref: 8ENF-T

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Maverick Motel Inc.  
c/o Myrna Gheen, President  
Route 1, Box 354  
Torrington, WY 82440

Re: Administrative Order  
Docket No. **SDWA-08-2003-0037**  
PWS ID #5600416

Dear Ms. Gheen:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Maverick Motel Water System (System) is a public water supplier as defined by the SDWA and that the owner of the system has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.21(b)(5), 141.21(a), 141.201, 141.21(g)(1), 141.21(g)(2), 141.31(b) for: exceedance of the MCL for total coliform bacteria; failure to collect a set of repeat samples following a total coliform positive routine sample; failure to collect at least five routine samples following a total coliform positive sample; failure to monitor for total coliform bacteria; failure to provide public notice of the violations; failure to report total coliform bacteria MCL violations to EPA by the end of the next business day after discovering the violation; failure to report total coliform monitoring violations to EPA within 10 days of discovering the violation; and failure to report NPDWR violations to EPA within 48 hours.

If the System owner complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order.



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4.

Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Melanie Wasco at the address on the letterhead, include the mailcode 8ENF-T, or you may call Ms. Wasco at (800) 227-8917, extension 6540, or (303) 312-6540. If you wish to have an informal conference with EPA, you may also call or write Ms. Wasco. If you are represented by an attorney or have legal questions, please call Michelle Marcu at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,

**Melanie L. Pallman for/**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order  
Public Notice template  
SBREFA

cc: Larry Robinson, WY DEQ  
Dr. Karl Musgrave, WDH



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## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## REGION 8

IN THE MATTER OF	)	
	)	
Maverick Motel Inc.	)	
Rt. 1 Box 354,	)	
Torrington, Wyoming 82240	)	
PWS ID# WY5600416	)	
	)	
Respondent	)	
	)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g)	)	
of the Safe Drinking Water Act,	)	
42 U.S.C. § 300g-3(g)	)	Docket No. <b>SDWA-08-2003-0037</b>
	)	

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Maverick Motel Inc. ("Respondent") is a corporation under the laws of the state of Wyoming as of April, 2001 and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Maverick Motel Inc. Water System (the "System"), located in Goshen County,



- Wyoming for the provision to the public of piped water for human consumption.
3. The Maverick Motel Inc. Water System regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
  4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
  5. According to a June 4, 2002 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of one well 60 ft. deep operating since 1962, and serves approximately 25 persons through 15 service connections year-round.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.21 requires public water systems to monitor the water at least once per quarter to determine compliance



with the MCL for total coliform bacteria as stated in  
40 C.F.R. § 141.63.

2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during October and November 2002, and January 2003 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

## II.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of four repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondent failed to collect a set of four repeat samples after the November and December 2002, and January 2003 total coliform positive routine samples, in violation of 40 C.F.R. § 141.21(b).

## III.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than five routine samples per month and have



one or more total coliform positive samples to collect at least five routine samples during the next month that the system provides water to the public.

2. Respondent failed to collect at least five routine samples in February 2003 after a total coliform positive sample in the preceding month, in violation of 40 C.F.R.

§ 141.21(b)(5).

#### IV.

1. 40 C.F.R. § 141.21 requires the owner and/or operators of non-community public water systems to monitor the water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during the 3<sup>rd</sup> (July-September) quarter in 2001 and the 3<sup>rd</sup> (July-September) quarter in 2002, in violation of 40 C.F.R. § 141.21(a).

#### V.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level





("MCL"), maximum residual disinfection level ("MRDL"), treatment technique ("TT"), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.

2. Respondent provided public notice for the October 2002 MCL violation in Section I, but has not provided public notice of the additional noncompliance detailed in the preceding Sections I through IV, in violation of 40 C.F.R. § 141.201.

VI.

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliforms in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the total coliform MCL violations detailed in Section I above, in violation of 40 C.F.R. § 141.21(g)(1).

VII.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA instances of noncompliance detailed in Sections II through IV above, in



violation of 40 C.F.R. § 141.21(g) (2).

VIII.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA instances of noncompliance detailed in Section V above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. If the System has an additional total coliform MCL violation within twelve months of the effective date of this Order, Respondent shall install continuous disinfection within 90 days of the violation, to bring Respondent's system into consistent compliance with the bacteriological MCL appearing at 40 C.F.R. § 141.63. Within 10 days after installing the disinfection equipment, Respondent shall provide EPA evidence of the installation, including receipts for the purchase and installation of the equipment.
2. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in



- 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than four repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within five service connections upstream of the original total coliform positive tap, and c) from within five service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within five service connections upstream or downstream of the original total coliform positive tap. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
3. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least five routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required



by 40 C.F.R. § 141.31(a).

4. Upon the effective date of this Order, Respondent shall comply with the total coliform monitoring requirement of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
5. No later than 30 days from the effective date of this Order, Respondent shall provide a notice to the public of the violations listed in Sections I-IV in the Findings of Violation of this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.203, and 141.205. This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the System OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the System if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations. If the public notice



- is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).
6. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
  7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within 10 days after the system discovers the violation.
  8. Except where a different reporting period is specified in paragraphs 6 and 7 above, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by



Maverick Motel Inc.

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reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.

9. Reporting requirements specified in this Order shall be provided by certified mail to:

Melanie Wasco  
U. S. EPA Region 8 (8ENF-T)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

#### GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order instituted under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A), may subject the Respondent to an administrative civil penalty of up to \$25,000 per day of violation under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).



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Maverick Motel Inc.

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3. Violation of any requirement of the SDWA or its implementing regulations instituted under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 30TH day of June, 2003.

David J. Janik

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Melanie L. Pallman for/

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE  
REGIONAL HEARING CLERK.

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON JUNE 30, 2003.



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